

Statement of Arturo S. Rodriguez
President of United Farm Workers of America
Before the House Judiciary Committee's
Subcommittee on Immigration and Border Security
H.R. 1773, the "Agricultural Guestworker Act"
May 16, 2013

Chairman Gowdy, Ranking Member Lofgren, and members of the subcommittee, thank you for the opportunity to testify today. My name is Arturo Rodriguez, and I have the honor of being President of the United Farm Workers of America. We very much appreciate the chance to speak today on behalf of farm workers throughout the country.

America's farms and ranches produce an incredible bounty that is the envy of the world. The farmers and farm workers that make up our nation's agricultural industry are truly heroic in their willingness to work hard and take on risk as they plant and harvest the food all of us eat every day.

But our broken immigration system threatens our nation's food supply. Today, we have farm workers forced to work in the shadows of society in difficult working conditions and farms around the country have great challenges hiring a legal workforce. We are in a unique moment in our nation's history – a moment in which members of both political parties are coming together to confront the question of how to fix our broken immigration system.

The urgency of the moment requires a straightforward analysis of the options before us. In that vain – HR 1773 falls far short of the challenge that faces American agriculture and our nation's food supply. In fact, HR 1773 bears a much closer resemblance to the horrific *bracero* program of the 1940s-1960s than it does to the immigration program changes we need for the 21st Century.

HR 1773 would replace the existing H-2A agricultural temporary worker program with a new H-2C program. The H-2C program would deprive U.S. farm workers of jobs by minimizing the recruitment obligations of employers, slashing wages and withholding 10 percent of a worker's wages. It would also minimize government oversight, limit workers access to judicial relief and legal assistance, and reduce temporary workers' minimum-work guarantee. Further, it would eliminate the requirement that employers provide housing for temporary workers and U.S. workers who travel to the worksite and eliminate travel-expense reimbursement for temporary workers. As a result, HR 1773 would have the practical effect of slashing wages for the hundreds of thousands of farm workers who are US citizens and permanent legal residents. All of these changes reverse 50 years of agricultural labor law precedent established in response from both political parties to the terrible abuses of the *bracero* program of the 1940s-1960s.

In addition, the HR 1773 proposal would not provide a roadmap to citizenship for the current farm worker labor force and would only allow them to apply for temporary worker visas.

Many UFW members are US citizens and permanent legal residents. I want to address those who have proposed that only wealthy and highly educated immigrants should be able to become US citizens. That is profoundly disrespectful to the people who have worked so hard to feed us every day. Let me speak a little about my own family. Neither of my parents were born with any money. My father who passed away recently worked his whole life. My parents maintained a small farm of 200 acres where they raised cattle. After sending my siblings and me to school, my mother enrolled in college when she was in her 40s. When she completed college, she went on to teach immigrants and their children how to speak English so they could participate more fully in American society. I share this story not just to highlight my parents – as special as they are to me – but to lift up the fact that there are hundreds of thousands among those people who work in the fields and other low wage jobs in America today who share those values of hard work and contribute to all of our American dreams.

We face a choice as a country going forward – do we want to be like Europe which legally segregates people into multiple classes? Or do we want to honor the best parts of our American history where we both welcome and challenge people around the world who come to our country to commit themselves to our powerful American ideals? With rights, come responsibilities. The overwhelming number of people working in the fields report to duty for an extraordinary responsibility – feeding the nation. The work the women and men in fields do every day is extremely difficult. On days with brutal sun that sometimes kills people– farm workers continue to harvest. During icy cold mornings in the winter months when the sun has yet to rise, farm workers are skillfully picking fruits and vegetables by hand for other Americans’ consumption. The work is so physically demanding that farm workers live in physical pain well beyond their years working in the fields. Most agricultural work requires a skill, precision, and discipline that few who do not do the work can grasp.

We believe that the new Americans who harvest our food and feed us every day deserve a way to earn a temporary legal status with a meaningful and real opportunity to earn permanent legal status with the real hopes of earning such legal status. In poll after poll, American voters agree and have expressed overwhelming support for a roadmap to citizenship for new Americans – like farm workers – who contribute to our country.

We believe that America is exceptional. Our agricultural system is just one more example of how America is exceptional, so we should honor the new Americans who continue to build our agricultural system as the heroes that they are for our country.

To the extent a new path is needed to bring more professional farm workers from abroad to this country, we should look forward and not backward to the *bracero* program. HR 1773 is a step backward. Future agricultural workers who we invite to our country to

work should be accorded equality, job mobility, strong labor and wage protections, and an opportunity to earn immigration status leading to citizenship.

For the last 20 years, Congress has tried and failed to reform our agricultural labor system. There have been a host of Congressional commissions, recommended policies, and different pieces of legislation. Many of you on this committee have also worked at making these changes for a long time. Now is the time to come together and make the changes we need.

Both farmers and farm workers from diverse regions of the nation have worked together over the last 5 months with the support of members of Congress from both political parties with the interest of improving our nation's agricultural industry and securing our nation's food supply. While farmer and farm worker groups historically have been at odds with each other and agricultural interests from different parts of the country often compete, we are now united for the first time... farmers and farm workers... big agribusiness and small farmers... farm workers who have worked in the industry for decades and those who have only come to the fields in recent years... across region... across crops... We are united.

We have come to an agreement on policy that we hope that you as members of Congress will consider as an alternative to the approach found in HR 1773.

Those of us who work in agriculture know the policies we want – but more importantly we understand the policies we need. Let me make the distinctions between what we want and what we need.

No industry will benefit more from immigration reform than the agricultural industry. The issue is having enough people who are both willing and able to do difficult agricultural work. What we need in order to ensure that we have enough people who are both willing and able to work in agriculture is to elevate farm work so that guest workers or farm workers without legal status do not need to be the norm in agriculture.

We can elevate farm workers by making changes to immigration policy that do the following:

1. ***Retain as much of the existing workforce in agriculture.*** We can keep people in agriculture by honoring farm workers with the ability to earn permanent legal status. What we *wanted* in new immigration policy- higher wages and better protections. But we did not get those changes in the agreement between grower associations and the UFW. What we *need* to have -- the ability for the existing farm workers to earn permanent legal status to encourage people to stay in agriculture and to honor our American values.

2. ***Include basic worker protections that ensure that US worker wages do not decrease and that stabilize the agricultural workforce*** – In this area, there are many things we want. The United Farm Workers and our nations farm worker organizations and advocates want an end to the more than 70 years of discriminatory labor legislation that excludes farm workers from basic protections like the right to organize, to act collectively, and to join a union. A Congressional commission set up to determine new immigration policies and made up principally of appointees of President Ronald Reagan and Chairman Gowdy’s former Senator Strom Thurmond agreed – Federal law should allow farm workers to organize and should make it illegal for an employer to fire a farm worker who acts collectively. Their report – the “Report of the Commission on Agricultural Workers” in 1992 made recommendations for the “development of a more structured and stable domestic agricultural labor market” that would “address the needs of seasonal farmworkers through higher earnings, and the needs of agricultural employers through increased productivity and decreased uncertainty over labor supply.”¹ One such recommendation was that “[f]armworkers should be afforded the right to organize and bargain collectively . . .” The agreement we came to with the nation’s employers does not include a right for farm workers to organize. Our agreement with grower associations is a compromise. But the agreement does have the basic wage and working protections we *need* to ensure that farm worker wages that are already low do not decrease.

There are many more examples – I am sure that the nation’s major growers and grower associations can also produce a long list.

Indeed, the United Farm Workers and our nation’s agricultural employers have often been at odds on many policy issues. But we are together in agreeing to a proposal that will fix our nation’s immigration system with respect to agriculture. We have worked so hard to come together in the agricultural industry and we ask you as members of this committee to come together to support our joint proposal because America’s farms and ranches produce an incredible bounty that is the envy of the world. The farmers and farm workers that make up our nation’s agricultural industry are truly heroic in their willingness to work hard and take on risk as they plant and harvest the food all of us eat every day.

We appreciate the Chairman’s view on immigration comes from a place of his own study of the issue and a desire to address the labor needs of agriculture. But we respectfully suggest there is a better approach.

We want to elevate farm work so that neither farm workers without legal status nor guest workers are the norm in American agriculture.

¹*Report of the Commission on Agricultural Workers*, Executive Summary, p. xxiv, Washington D.C. November, 1992.

We ask this subcommittee to support a new, comprehensive immigration process that grants current farm workers and their family members a reasonable and prompt opportunity to earn legal immigration status and citizenship, and ensures that future workers are brought here in a manner that elevates farm work. By having such a system, we can ensure that we continue to have an agricultural industry that is the envy of the world – and honor all of the women and men who have built such an exceptional domestic food supply.